

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KEVIN NARDI,

Plaintiff,

v.

BREEZE-EASTERN, LLC and

MACE SECURITY

INTERNATIONAL, INC.,

Defendants.

C.A. No.: 1:19-CV-11306-GAO

**MOTION FOR SUMMARY JUDGMENT OF
DEFENDANT MACE SECURITY INTERNATIONAL, INC.**

Pursuant to Fed. R. Civ. P. 56 Defendant Mace Security International, Inc. (“Mace”) moves for summary judgment as to each count of Plaintiff’s Amended Complaint. Defendant requests this relief on the basis set forth below, and as set forth in the accompanying Memorandum of Law and Rule 56.1 Statement:

1. Plaintiff Kevin Nardi alleges he suffered personal injuries as the result of a malfunction of a tear gas launcher during a SWAT team training exercise in Bridgewater, Massachusetts, identified as a “Federal Laboratories” “Riot Gun” Model Number 201Z, manufactured by Federal Laboratories, Inc., prior to 1980.

2. Mace Security International, Inc. (“Mace”) was first incorporated in 1987 as Mark Sport, Inc., and changed its name to Mace Security International in 1993. Mace was not in existence when the Model 201Z Riot Gun at issue was designed, manufactured, or sold.

2. Federal Laboratories, Inc., merged into its parent company TransTechnology Corporation in 1989. Between 1989 and 2016, TransTechnology Corporation changed its name

to Breeze Eastern Corporation, and was converted from a corporation into a limited liability company.

4. Mace cannot be liable to the plaintiff under any theory of successor liability, where the manufacturer of the product still exists, and Mace did not expressly or implicitly agree to assume liability for products manufactured by Federal Laboratories, Inc., or the Federal Laboratories division of TransTechnology Corporation in the 1994 Asset-Purchase Agreement between Mace and TransTechnology Corporation.

Respectfully Submitted,

Mace Security International, Inc.,
The Defendant, By Its Attorneys,

/s/ Charles F. Rourke, II

Anthony J. Antonellis, BBO#557964
Charles F. Rourke II, BBO#676041
SLOANE AND WALSH, LLP
One Boston Place, Suite 1600
201 Washington Street
Boston, Massachusetts, 02108
(617) 523-6010
aantonellis@sloanewalsh.com
crouke@sloanewalsh.com

Mace Security International, Inc.,
By Its Attorneys,

/s/ Nora R. Adukonis

James W. Sexton, BBO#547054
Nora R. Adukonis, BBO#676932
LITCHFIELD CAVO, LLP
6 Kimball Lane, Suite 200
Lynnfield, MA, 01940
(781) 309-1500
sexton@litchfieldcavo.com
adukonis@litchfieldcavo.com

DATED: August 17, 2021

CERTIFICATE OF SERVICE

I, Nora Adukonis, counsel for Defendant Mace Security International hereby certify that a redacted copy of the foregoing document was electronically filed on August 17, 2021 and all parties of record will receive notice via ECF.

/s/ Nora R. Adukonis

Nora R. Adukonis